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9 Attorney for Plaintiff,
10 ROBERT MILLER
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

ROBERT MILLER,

Case No. 2:18-cv-02097-JAD-VCF

Plaintiff,

DECLARATION OF
MATHEW K. HIGBEE

v.

4INTERNET, LLC; and DOES 1 through 10 inclusive,

Defendants.

AND

4INTERNET, LLC,

Counterclaimant,

v.

ROBERT MILLER; MATHEW HIGBEE; THE LAW FIRM OF HIGBEE & ASSOCIATES, APC; and CHRISTOPHER SADOWSKI;

Counterclaim Defendants.

DECLARATION OF MATHEW K. HIGBEE

I, Mathew K. Higbee, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of Nevada and the United States District Court of Nevada. I am the attorney for Plaintiff and Counterclaim Defendant Robert Miller as well as the remaining Counterclaim Defendants Christopher Sadowski, Higbee & Associates and myself in this matter.

2. I make this declaration in support of Counterclaim Defendants' Motion to Dismiss. I have personal knowledge of the following facts, and, if called as a witness, I could and would testify as follows:

3. CopyPants was a technology company that provided reverse image search services that would allow clients to search for potentially unauthorized uses of their photographs online.

4. They would occasionally refer clients to Higbee & Associates for enforcement purposes. Higbee & Associates did not pay or provide any compensation to CopyPants for referrals.

5. Higbee & Associates hired CopyPants to conduct reverse image searches for a few of our clients. This involved us providing images to CopyPants to see if the Images appeared in the index of images from the Internet that they had already created.

6. While I am doubtful that CopyPants would have been able to access a computer system through their methods for reverse image search, I cannot attest with certainty what CopyPant's internal process involved.

7. Higbee & Associates ended its relationship with CopyPants on or about May 2018, before Plaintiff Robert Miller's Image in this case was even published or taken on or about August 9, 2018.

8. As of September 1, 2018 CopyPants is no longer provides its freelance services and its website is currently down. Attached hereto as Exhibit A are true and correct screenshots of CopyPant's Twitter page and website reflecting that it is no

1 longer in business.

2 I declare under penalty of perjury that the foregoing is true and correct under
3 the laws of the United States of America. Executed on May 7, 2019 at Santa Ana,
4 California.

5 /s/ Mathew K. Higbee

6 Mathew K. Higbee

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Exhibit “A”

copypants (@copypants) | Twitter +

Tuesday, May 7, 2019

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https://twitter.com/copypants?lang=en

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copypants

@copypants

Copyright made simple.

Vancouver, British Columbia

copypants.com

Joined April 2015

13 Photos and videos

Tweets Following Followers Likes

58 104 125 49

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copypants @copypants · 1 Jun 2018

Copypants is ending our Freelancer service on September 1, 2018. We greatly appreciate all the support and feedback we've received over the past 3 years. Please refer to the updated FAQ page on our website for more information regarding the ending of our Freelancer service.

New to Twitter?
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Tuesday, May 7, 2019

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